



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 23, 2020

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

ATTN: Mr. Steve Kichefski
NCDOT Coordinator

Subject: **Request for Revision to Section 404 Nationwide Permit 14 and Section 404 Water Quality Certification** for the proposed improvements to NC 268 (Elkin Highway) from NC 18 to SR 1966 (Airport Road) in Wilkes County. Federal Project No. STP-0268(15), Division 11, TIP No. R-2603. Debit \$570 from WBS 36001.1.2.

Reference: USACE Nationwide Permit 14, Action ID SAW-2014-02292, February 25, 2015
Request for 404 Renewal and Revision, October 13, 2017
Request for 404 Revision, April 3, 2018
NCDWR Project No. 20141200, Certification No. 3886, December 31, 2014
NCDWR Project No. 20141200_v3, Certification No. 4088, November 3, 2017
NCDWR Project No. 20141200_v4, Certification No. 4135, April 24, 2018

Dear Sir:

The purpose of this letter is to request a revision of the United States Army Corps of Engineers (USACE) Section 404 Nationwide Permit 14 and North Carolina Division of Water Resources Section 401 Certification for the above referenced project. The NCDOT is submitting for approval for an additional 157 linear feet of permanent stream impacts and an additional <0.01 acre (10 linear feet) of temporary stream impacts due to a pipe extension and stream relocation at Permit Site 11 (stream S9 - UT to Mulberry Creek).

This revision is to the portion of stream S9 at Permit Site 11 which runs roughly parallel on the south side of NC 268. The shoulder in this location has to be widened out from the road to accommodate

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1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

Telephone: (919) 707-6000
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Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Location:
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

guardrail, which will result in a very steep fill slope. This slope was already designed at 1.6:1, rather than the typical 2:1 to try and minimize impacts to this stream as much as possible. Due to the extra shoulder width needed to accommodate the guardrail, a portion of this stream will need to be piped and relocated to prevent fill going into the creek. The existing pipe extension and relocation will result in an additional 157 linear feet of permanent stream impacts and <0.01 acre (10 linear feet) of temporary stream impacts.

Including the additional impacts at Site 11 described above, the total impacts for this project will now include 942 linear feet of permanent stream impacts, 278 linear feet of stream bank stabilization, 0.03 acre of temporary stream impacts, and 0.29 acre of permanent wetland impacts. There will also be 0.01 acre of temporary wetland impacts from utility relocation. Additional mitigation has been secured for the above-described revision.

Please see the enclosed Division of Mitigation Services (DMS) revised mitigation acceptance letter (January 15, 2020), and revised permit drawings with revised impact summary sheet.

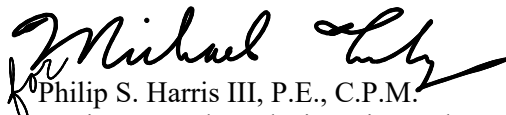
No changes have occurred to the special commitments for this project.

Section 404: Application is hereby made for a revision to the USACE 404 Permit as required for the above-described activities, in addition to the activities described in the revision and renewal request sent October 13, 2017, and the revision request sent April 3, 2018 (identified in the reference list in this application).

Section 401: We are hereby requesting a revision to the 401 Water Quality Certification from the N. C. Division of Water Resources for the above-described activities.

A copy of this application and distribution list will also be posted on the NCDOT website at: <http://connect.ncdot.gov/resources/Environmental>. If you have any questions or need additional information, please contact Erin Cheely at ekcheely@ncdot.gov or (919) 707-6108.

Sincerely,


Philip S. Harris III, P.E., C.P.M.
Environmental Analysis Unit Head

cc:
NCDOT Permit Application Standard Distribution List



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

TIM BAUMGARTNER
Director

January 15, 2020

Mr. Philip S. Harris, P.E., CPM
Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

Subject: DMS Mitigation Acceptance Letter:

R-2603, Elkin Highway – NC 268 Improvements from Multi-lanes East of NC 18 to SR 1966, Wilkes County

References: USACE 404 Nationwide Permit 14 issued March 6, 2018 (USACE Action ID 2014-02292)

NCDWR 401 Water Quality Certification issued December 31, 2014 (NCDWR ID 2014-1200)

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the additional compensatory stream mitigation for the subject project. Based on the information supplied by you on January 15, 2020, the impacts are located in CU 03040101 of the Yadkin River basin in the Northern Mountains (NM) Eco-Region, and are as follows:

Table 1 – Additional Impacts (feet / acres)

Yadkin 03040101 NM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	217.0	0	0	0	0	0	0

*NOTE: Some of the stream impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details.

This additional impact and associated mitigation needs were not projected by the NCDOT in the 2019 impact data. DMS is currently providing stream and wetland mitigation for the impacts associated with this project located in cataloging unit 03040101 of the Yadkin River basin as required by the 404 and 401 permits issued in March 2018 and December 2014, as shown in the below table (in mitigation credits)



Table 2 – Current Permitted Impacts and Associated Mitigation Requirements provided by DMS (based on issued permits) and Revised Anticipated Impacts (based on mitigation request)

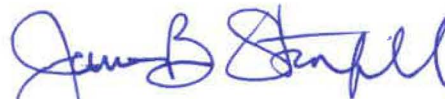
Impact Type	Total Permitted Impacts (feet / acre / sq ft)	Mitigation Provided by DMS per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream (cool)	725.0	1,450.0	217.0	942.0
Riparian Wetland	0.29	0.58	0	0.29

*Some of the additional stream impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details. DMS will provide the amount of mitigation as determined by the regulatory agencies.

DMS commits to implementing additional sufficient compensatory stream mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies using the delivery timeline listed in Section F.3.c.iii of the In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from DMS.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-707-8420.

Sincerely,



James B. Stanfill
Asset Management Supervisor

cc: Mr. Steve Kichefski, USACE – Asheville Regulatory Field Office
Ms. Amy Chapman, Division of Water Resources, Wetlands/401 Unit
File: R-2603 Additional 2



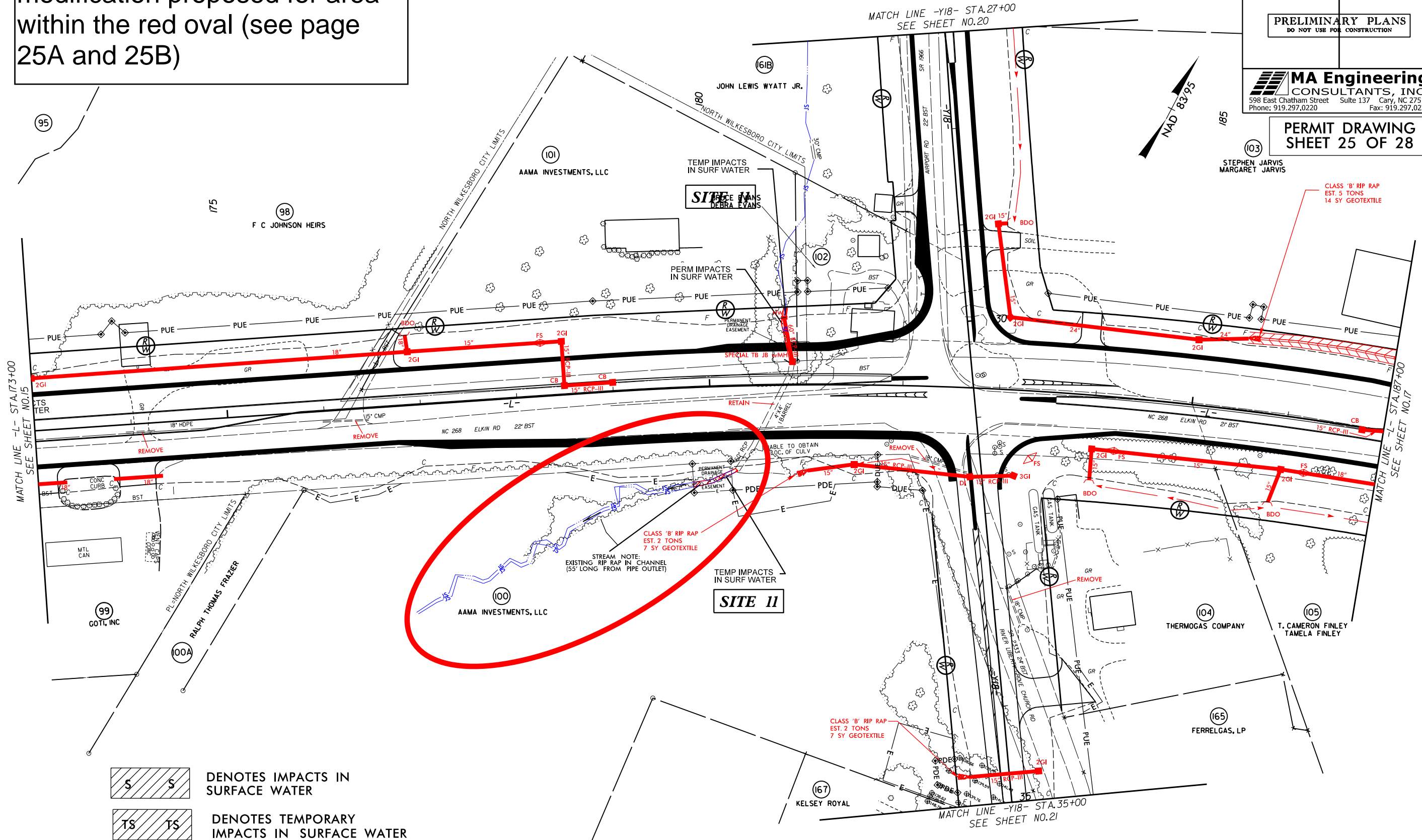
Original plan sheet -
modification proposed for area
within the red oval (see page
25A and 25B)

PROJECT REFERENCE NO. R-2603		SHEET NO. 16	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			
MA Engineering CONSULTANTS, INC. 598 East Chatham Street Suite 137 Cary, NC 27511 Phone: 919.297.0220 Fax: 919.297.0221			

PERMIT DRAWING
SHEET 25 OF 28

STEPHEN JARVIS
MARGARET JARVIS

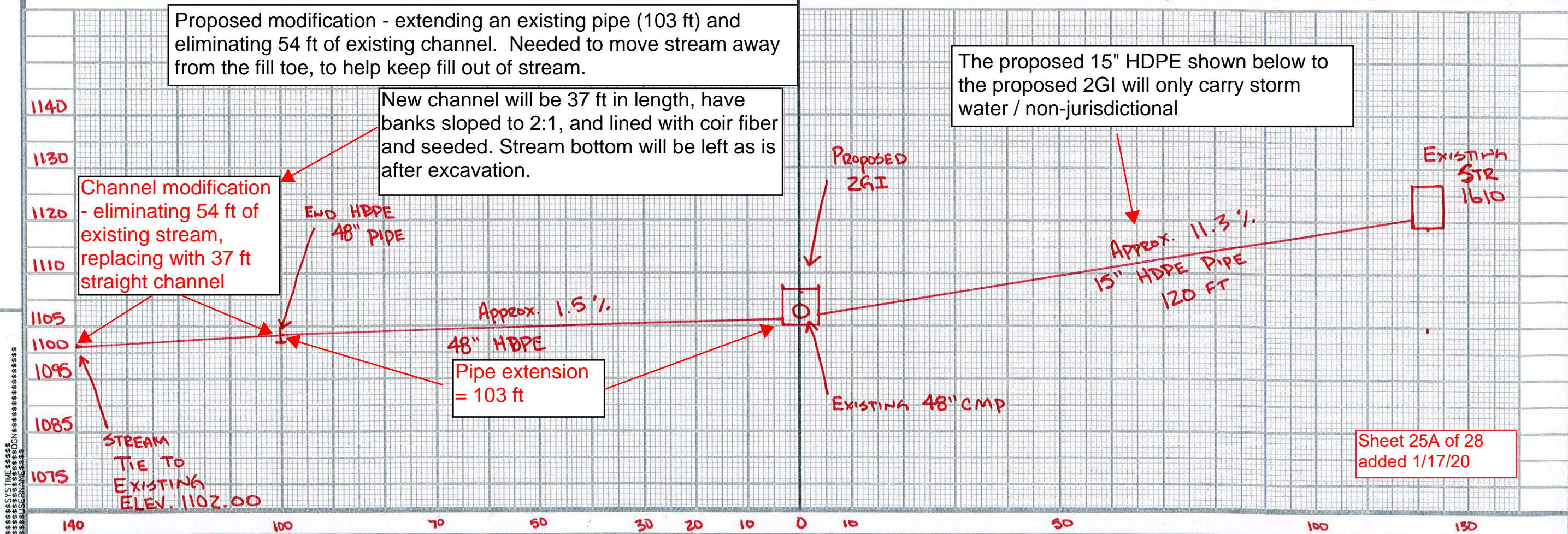
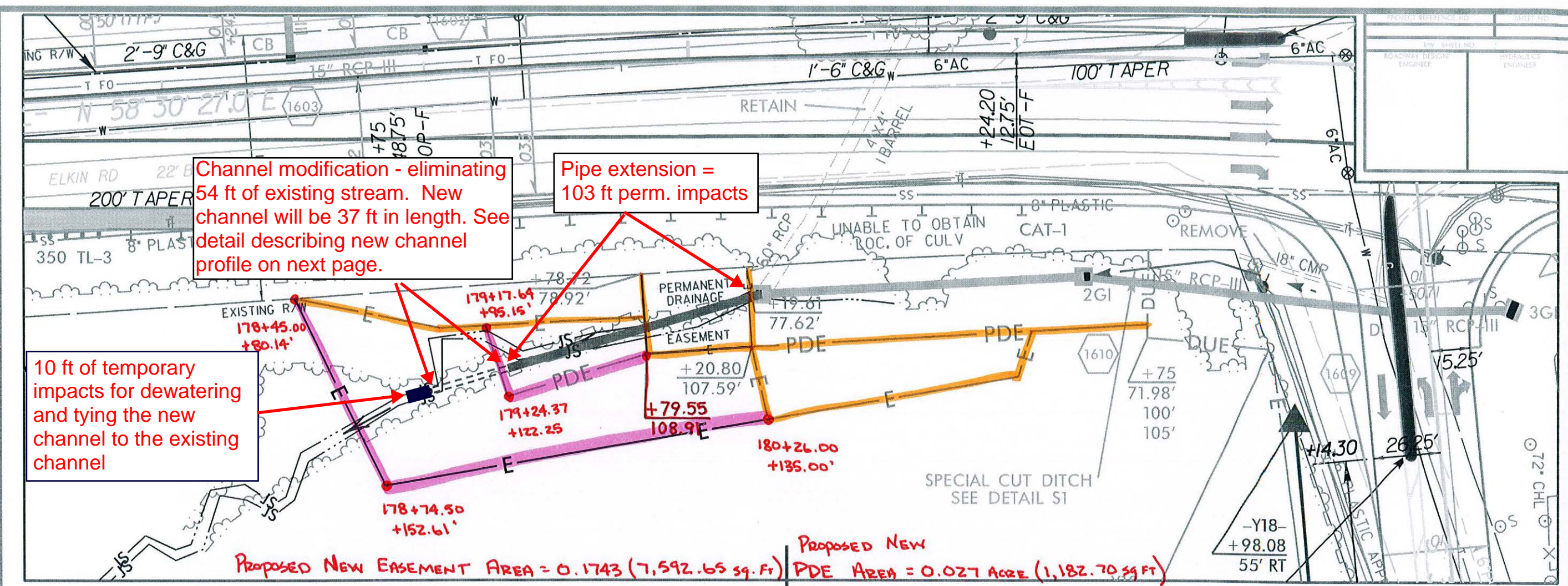
CLASS 'B' RIP RAP
EST. 5 TONS
14 SY GEOTEXTILE



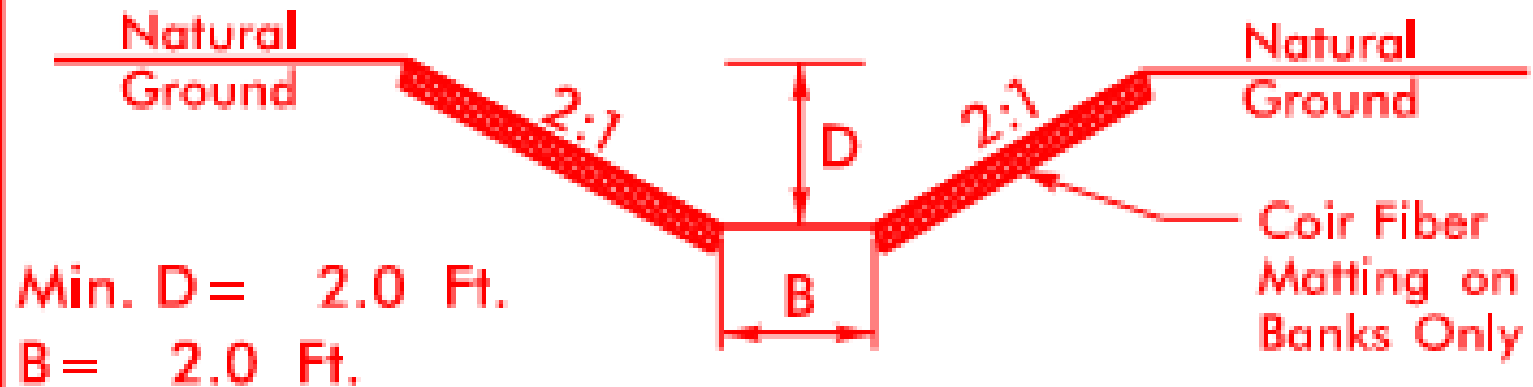
DENOTES IMPACTS IN SURFACE WATER

DENOTES TEMPORARY IMPACTS IN SURFACE WATER

8/17/99
10/6/2014
user:none
R:\Hydro\Permits\Environmental\Drawings\R-2603_bld_perm_wet_est16.dgn



Channel Modification



WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	Y1 28+73 to 29+30	72" RCP							<0.01		37	
2	L 59+55 to 59+86	8' x 8' RCBC						0.02	0.01	106	54	
		BANK STABILIZATION						< 0.01		20		
3	L 78+78 to 78+95	48" RCP						< 0.01	<0.01	80	30	
		BANK STABILIZATION						< 0.01		10		
4	L 96+13 to 96+82	36" RCP						0.01	<0.01	123	20	
5(T)	L 122+48 to 124+10	Fill	0.13									
6	L 122+42 to 124+54	Fill	0.17									
7	L 126+89 to 127+23	2 @ 30" RCP						0.01	<0.01	120	35	
		Rip Rap in channel						< 0.01		38		
		BANK STABILIZATION						< 0.01		10		
8	L 129+60	15" RCP						0.01	<0.01	70	20	
		BANK STABILIZATION								12		
9A	L 149+90 to 150+18	30" RCP-III							<0.01		30	
9B	L 157+36 to 157+63	15" RCP							<0.01		20	
9C	L 158+60 to 158+71	15" RCP							<0.01		12	
9D	L 159+75 to 160+10	24" RCP							<0.01		38	
9E	L 157+00	Stream Relocation						<0.01	<0.01	60	20	
9F	L 160+00	Bank Stabilization						<0.01		70		
10	L 170+73 to 172+41	48" RCP						0.01	0.01	123	68	
11	L 179+79 to 180+87	60" Pipe						< 0.01	0.01	204	69	
12	Y1A 25+25 to 25+68	30" Pipe						< 0.01	<0.01	18	27	
		Bank Stabilization						< 0.01	<0.01	18		
13	L 117+58	Bank Stabilization						< 0.01		138		
		Causeway							<0.01		29	
TOTALS:			0.29					0.06	0.03	1220	489	

NOTES:

(T) Indicates Total Take

Site 9E revised 4/19/18

Site 11 revised 1/17/20

Revised 1/17/20

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

WILKES COUNTY
WBS - 36001.1.2 (R-2603)

SHEET 28 of 28

2/19/2018